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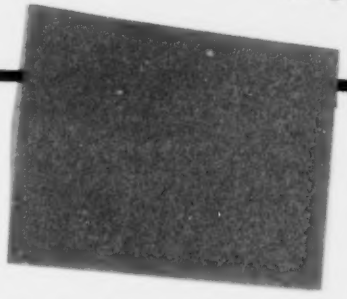

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda

CONTENTS

	Paragraphs	Page
Introduction	3 - 5	3
I. MOST SIGNIFICANT RECENT DEVELOPMENTS		
A. Overview	6 - 8	3
B. Main human rights issues surrounding the mass return movement	9 - 19	4
C. Response of the High Commissioner for Human Rights to the mass return movement	20 - 24	6
D. Start of the genocide trials	25 - 26	8

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CONTENTS (continued)

		Paragraphs	Page
II.	RESTRUCTURING OF HRFOR IN RESPONSE TO THE DETERIORATION OF THE SECURITY SITUATION EARLY IN 1997		
	A. Attacks on expatriates including members of HRFOR	27 - 32	8
	B. Security measures in response to the deterioration of the security situation	33 - 35	9
	C. Visit of the High Commissioner to Rwanda	36 - 37	10
	D. Restructuring and adaptation of HRFOR	38 - 47	10
III.	ACTIVITIES OF HRFOR		
	A. Overview	48	13
	B. Administration of justice and institution-building	49 - 51	13
	C. Genocide response and vulnerable groups	52	14
	D. Human rights education and promotion	53	14
IV.	COSTS AND FINANCING OF THE OPERATION	54 - 56	15
V.	CONCLUSIONS	57 - 59	15

Introduction

1. The present report is submitted pursuant to Commission on Human Rights resolution 1996/76, in paragraph 19 of which the Commission requested the United Nations High Commissioner for Human Rights to report on the activities of the Human Rights Field Operation in Rwanda to the Commission on Human Rights at its fifty-third session.

2. In his most recent report to the General Assembly (A/51/478) of 10 October 1996 on the human rights situation in Rwanda, and the status and activities of the Human Rights Field Operation in Rwanda, the High Commissioner set out in some detail his response to the crisis in Rwanda, the Operation's mandate, as well as the methods and procedures it employs to fulfil its terms. The High Commissioner therefore considers it unnecessary to reiterate the substance of that report.

3. However, since the submission of the High Commissioner's report to the General Assembly, a number of important developments have taken place. In November and December 1996, a massive return movement of refugees occurred. Most of the returnees were persons who had fled to countries neighbouring Rwanda during, or shortly following, the genocide and civil war that ravaged Rwanda in 1994. The return movement took place in conditions of relative calm, and a low incidence of human rights violations was observed. Unfortunately, during January 1997, the number of killings in Rwanda escalated sharply and the general security situation inside the country deteriorated severely. In January and February 1997, a number of attacks were carried out against international observers, including the murder of five Human Rights Field Operation personnel on 4 February. These developments necessitated a restructuring and adaptation of the Operation.

4. The High Commissioner's Human Rights Field Operation in Rwanda (HRFOR), the largest United Nations presence in Rwanda, continues to carry out its human rights protection and promotion work, vital to the future of Rwanda, in cooperation with the Government of Rwanda. The Field Operation, launched in September 1994, has made considerable progress in a number of areas, while new challenges have become apparent.

5. The purpose of this report is to provide an update on the status of HRFOR and on the activities it has carried out under the auspices of the High Commissioner for Human Rights since the submission of the High Commissioner's report to the General Assembly, on 10 October 1996.

I. MOST SIGNIFICANT RECENT DEVELOPMENTS

A. Overview

6. Between 15 November and 31 December 1996, more than 1 million Rwandans returned to their country from camps in Zaire and Tanzania. From 15 to 31 November, an estimated 555,000 returnees arrived from former refugee camps in the North Kivu region in Zaire, at their communes of origin, primarily in Gisenyi, Ruhengeri, Byumba and Kigali Rural prefectures. A further estimated

12,000 returnees crossed the border into Rwanda from the North Kivu region in Zaire during the first half of December. Though massive in scale, the return was marked by relatively few incidents, and returnees were generally well received in their home communes.

7. Between 14 and 31 December, an estimated 473,000 Rwandan returnees arrived in Kibungo prefecture in south-eastern Rwanda from former refugee camps in Ngara and Karagwe in north-eastern Tanzania. In general, the mass return from Tanzania was characterized by a higher degree of tension than that experienced during the massive influx of returnees from Zaire.

8. The number of arrests increased significantly in January, compared with previous months. As of the end of January, approximately 99,300 persons were detained in central prisons and local detention centres visited by HRFOR, which represents an increase of more than 7,000 detainees during January and an increase of 30,000 since the beginning of 1996.

B. Main human rights issues surrounding the mass return movement

Increased attacks against genocide survivors

9. One of the main elements of the HRFOR mandate has been to assist the Government of Rwanda build confidence within the country in order to facilitate the return of refugees to their communes of origin - a precondition for lasting peace and stability in the Great Lakes region. Unfortunately, the mass return occurred in conditions that made registration of the returnees exceedingly difficult, if not impossible. A consequence of the lack of adequate screening at border crossing points was that persons who may have been directly responsible for acts of genocide and associated violations of human rights and humanitarian law, perpetrated during the 1994 civil war in Rwanda, entered the country mingled with the legitimate refugees. The influx of these criminal elements resulted first in a noticeable decrease in the stability of certain regions, followed eventually by attacks, including those perpetrated against survivors of the genocide and persons associated with them.

10. During the period from January to mid-February 1997, HRFOR learnt of eight separate incidents in the country in which an estimated 54 genocide survivors and persons associated with them were killed and a further 22 injured. This represents a significant increase in killings and other attacks against genocide survivors and their associates as compared to previous months. The increase in the number of these killings came amidst a deterioration of the general security situation in January. During January, HRFOR learnt of the killings of at least 424 persons in 55 separate incidents. This represents the highest number of reported killings since the beginning of 1996. A certain number of returnees have also been responsible for killings and other attacks, including against genocide survivors and persons associated with them. HRFOR received reports of 11 killings allegedly perpetrated by returnees against genocide survivors and their associates during November and December.

11. The Rwandan authorities initially arrested small numbers of returnees from Zaire and, in some cases, returnees were detained or turned themselves in

for their own protection. By December, HRFOR had received reports that a total of 162 newly-arrived returnees were in custody in local detention centres. At that time, the return to Rwanda of an estimated 4,331 members of the ex-FAR (former Rwandan Army soldiers) had been registered, and 12 had been arrested. By 15 December, arrests of new arrivals from Zaire had increased considerably, and at least 700 returnees, including 24 ex-FAR soldiers, were being detained, primarily in Gisenyi, Kigali Rural, and Ruhengeri prefectures. The overwhelming majority were arrested on charges of participation in the genocide.

12. Between 14 and 21 December, at least 378 newly-arrived returnees were arrested, including some 146 members of the ex-FAR and at least 8 former local civilian officials. As in the case of returnees from Zaire, a number of the detainees had turned themselves in out of fear for their personal safety. In other instances, members of the local population took returnees into custody and brought them to local detention centres on charges of participation in the genocide.

13. According to information received by HRFOR by 31 December, some 5,460 such returnees were being held in custody at local detention centres, particularly in Kibungo and Mutara prefectures, which had 2,243 and 676 detained returnees respectively. Local authorities in some communes in Kibungo have responded to the large number of arrests by releasing detainees accused of common law crimes.

Killings and other matters involving returnees

14. Between 15 and 30 November, HRFOR noted two fatal attacks against returnees from Zaire: the 18 November killing of a returnee in Ruhengeri by three soldiers of the Rwandan People's Army (RPA) and the fatal beating on 27 November in Gisenyi prefecture of a returnee accused of killing a genocide survivor.

15. In December, there were 15 reported killings of returnees: five in Kibungo, three in Kigali Ville, two in Kibuye and one each in Byumba, Cyangugu, Gikongoro, Gitarama and Kigali Rural prefectures. RPA soldiers or other agents of the State were responsible for at least 13 of these killings, including those of two detainees killed during alleged escape attempts, and for three deaths resulting from ill-treatment, all in Kibungo prefecture. In another incident, a returnee from Zaire, accused of killing a genocide survivor and three other persons on 11 December, was summarily executed by RPA soldiers on 21 December at a public meeting organized by military officials and civilian authorities in Gikongoro prefecture.

16. HRFOR also received reports of other attacks against and cases of ill-treatment of returnees, particularly involving returnees from Tanzania in Kibungo prefecture. On 23 December, for example, approximately 300 returnees in Rusumo commune, Kibungo prefecture, were rounded up by RPA soldiers and members of the local population and forced to attend a meeting in which they were told to confess to crimes committed during the genocide. On the way to this meeting, 20 returnees were severely beaten, including one man who was

left gravely wounded on the road and who has not been seen since. HRFOR is not aware of any arrests of the soldiers or civilians allegedly responsible for the ill-treatment.

17. According to information available to HRFOR as at 15 January 1997, in the two months since the returnees began arriving in Rwanda, at least 6,800 have been arrested and at least 60 have been the victims of killings or other serious attacks. On 9 January, in the most serious incident to date, 31 newly-arrived returnees from Tanzania were killed in Rusomo commune, Kibungo prefecture, reportedly by members of the local population.

18. Following the start of the massive influx of returnees from Zaire on 15 November 1996, the Government of Rwanda announced that occupants of houses and land belonging to arriving returnees would have 15 days to vacate such premises. HRFOR has observed difficulties in implementing this directive, and many returnees have not been able to recuperate their houses or property. In some cases, newly-arrived returnees and occupants of their houses have made informal arrangements to cohabit temporarily until the occupants could find alternative accommodation. Other returnees have managed to find accommodation with relatives, neighbours or friends, or to live in temporary shelters, until their houses are vacated or new housing can be constructed. In order to assist returnees who lack accommodation, the civilian authorities have organized temporary transit centres at communal offices until accommodation becomes available or formerly-owned property becomes vacant. While additional housing is being rehabilitated or constructed with the assistance of international agencies, a number of housing and property disputes have arisen between returnees and the current occupants, who include genocide survivors and old-caseload returnees.

19. The High Commissioner welcomes the policy response of the Government of Rwanda and the steps taken by the Government to construct and provide housing. At the same time, it is crucial that property conflicts between genocide survivors and newly-arrived returnees are addressed. In this connection, the High Commissioner appeals to the international community to take steps to increase its material and financial assistance to the Government of Rwanda in the construction and rehabilitation of housing.

C. Response of the High Commissioner for Human Rights to the mass return movement

20. HRFOR had taken a number of steps prior to the mass influx of returnees, so that when the return movement suddenly occurred, HRFOR was well-prepared to assist the returnees and to monitor the human rights situation relating to the mass influx. The Field Operation in Rwanda had adopted a contingency plan to organize the monitoring of the reception of returnees at the commune level and the Operation concentrated promotional activities aimed at supporting respect for human rights during returnee reintegration.

21. Following the forced closure of several camps in the Uvira/Bukavu and Goma areas, Kivu province, Zaire, and the possibility of a massive arrival of returnees, HRFOR stepped up preparatory measures in the prefectures of Rwanda where the majority of refugees originated to monitor, in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR),

the reception and reintegration of returnees in their communes of origin. In this respect, an additional memorandum of understanding between HRFOR and UNHCR was concluded.

22. Moreover, HRFOR regularly raised its concerns with the Government of Rwanda in reports on the human rights situation in the country. Through intensified contacts with the authorities HRFOR increased its human rights assistance to the Government; it also augmented its field presence in the receiving communes. In particular, HRFOR assisted the local authorities in establishing communal committees and other forms of informal local institution in order to enhance local capacity to address justice and reconciliation concerns, security and the needs of returnees and other groups of the population; to the extent possible, monitored the movement of returnees from transit centres to the communes of origin, as well as the arrival of returnees at communal offices; monitored the arrest and detention of returnees through regular visits to local detention centres and collated statistics on detained returnees; monitored the reintegration of returnees through visits with individual returnees and returnee families and held discussions with local authorities and the population in general; investigated alleged incidents involving returnees (in particular incidents of alleged violations of the right to life, the right to security and integrity of the person, and the right to liberty of movement); discussed and followed up on human rights incidents with relevant local and national authorities; provided a presence to promote confidence among the returnees, the population at large and the local authorities; participated in crisis cell meetings at the communal and prefectural levels; and facilitated the flow of information to relevant government officials and organizations competent to address material and institutional needs at the communal and other levels.

23. During this period, every HRFOR field team assigned at least one human rights field officer to returnee reintegration issues, responsible for collecting all available information regarding returnees and, together with the team leader, coordinating the HRFOR response and ensuring regular meetings and information exchange with government officials and UNHCR at the prefectural level. Coordination and cooperation with UNHCR was improved through the above-mentioned additional memorandum of understanding between HRFOR and UNHCR, specifically designed to strengthen coordination and avoid the duplication of measures to be taken with regard to the mass influx of returnees. In addition, together with the Ministry of Justice and UNHCR, HRFOR organized seminars on arrest and detention procedures at the prefectural and communal levels in order to address irregularities in this area. HRFOR also prepared videos and organized human rights theatre troupes to raise awareness on human rights issues relating to returnees.

24. Once the massive return movement of refugees had started, the High Commissioner reassessed the capacity of HRFOR and on 18 November 1996, appealed to Governments to augment the Operation to 200 by the end of February 1997 and to 300 as soon as identification of qualified personnel, availability of resources and logistical considerations would permit.

D. Start of the genocide trials

25. On 27 December 1996 - two and a half years after the end of the 1994 genocide - the first court proceedings before Rwandan courts against persons accused of genocide or crimes against humanity began. As of mid-February, 18 judgements had been handed down in the specialized court chambers established at the courts of first instance for trying genocide suspects. Of the 18 judgements, 11 were death sentences, 6 were life imprisonments and 1 was an acquittal. Human rights field officers attended most court sessions and monitored the proceedings.

26. The High Commissioner has welcomed the start of the genocide trials, which represents a significant step towards bringing the perpetrators of the genocide to justice and compensating civil claimants. However, the High Commissioner remains concerned about several aspects of the proceedings, in particular the lack of respect for the right to legal representation, both for defendants and for civil claimants, as well as the adequacy of other fair-trial guarantees for defendants, particularly since defendants may face the death penalty.

II. RESTRUCTURING OF HRFOR IN RESPONSE TO THE DETERIORATION OF THE SECURITY SITUATION EARLY IN 1997

A. Attacks on expatriates including members of HRFOR

27. Since the beginning of 1997, there has been a serious increase in security incidents involving expatriates working in Rwanda. Since January, HRFOR is aware of 10 incidents in which expatriates were the victims of killings, attacks or armed robberies. Six expatriates have been killed in three incidents. These incidents involved the killing of three members of a Spanish non-governmental organization on 18 January, the killing of a Canadian priest on 2 February in Ruhengeri prefecture, and the killing of five members of HRFOR, including two international human rights field officers, on 4 February in Cyangugu prefecture. The two most serious incidents involving HRFOR personnel are described below.

28. On 13 January, four members of HRFOR, including two international human rights field officers, were attacked, threatened and beaten, allegedly by a group of insurgents whilst conducting a routine field visit in Giciye commune in eastern Gisenyi prefecture.

29. On 4 February, five members of HRFOR, including two international human rights field officers, were killed during an attack by a group of around 15 armed individuals suspected to be insurgents on the road to Karengera commune in southern Cyangugu prefecture. The five members of HRFOR were on their way to attend a meeting organized by the prefectural authorities in Karengera commune.

30. The five members of HRFOR lost their lives in the service of promoting and protecting human rights in Rwanda with the utmost dedication and competence. The High Commissioner for Human Rights pays special tribute to the sense of devotion, courage and professionalism of all the human rights staff in Rwanda. The five members of HRFOR who lost their lives made the

ultimate sacrifice in their pursuit of the promotion of fundamental freedoms and respect for human dignity in Rwanda. Their contribution will always be remembered.

31. The High Commissioner wishes to acknowledge the cooperation of the Government of Rwanda in facilitating the visit of the Chief of HRFOR to Cyangugu immediately following the incident, the transport of the bodies to Kigali and the evacuation of the remaining HRFOR staff from Cyangugu to Kigali.

32. The government authorities opened investigations into the incident. HRFOR also initiated its own investigations. On 12 February, two individuals suspected of participation in the attack were killed during an armed confrontation with the RPA. On 14 February, HRFOR was informed by the Government of Rwanda of the arrest of five other suspects. HRFOR had private and confidential access to four of the five arrested suspects, inspected the scene of the attack and interviewed eyewitnesses to the incident. HRFOR is continuing its investigations.

B. Security measures in response to the deterioration of the security situation

33. Following the deterioration of the security situation in mid-January in Gisenyi and Ruhengeri prefectures, HRFOR reduced its activities in north-western Rwanda. The offices in Gisenyi and Ruhengeri were temporarily closed and human rights field officers carried out regular field trips from Kigali to these prefectures. Subsequent to the killing of five members of HRFOR on 4 February, the United Nations Security Coordinator, in consultation with all United Nations operational agencies in Rwanda, declared the security situation in Rwanda to have reached Phase IV in the western prefectures, as well as in parts of Kibungo, Gikongoro, Gitarama, Kigali Rural and Byumba prefectures, signifying that all staff, except those essential for carrying out emergency, humanitarian and security functions of the agency in question, were recommended to relocate temporarily to Kigali. In accordance with this recommendation, all personnel of the Field Operation were withdrawn from the various field offices to Kigali. Among the security measures taken, HRFOR required its personnel to request permission to travel to destinations outside Kigali with a prior notice of 48 hours. No travel of personnel was permitted except under armed escort. In addition, security meetings with heads of United Nations agencies and between the Chief of HRFOR and HRFOR staff were held on a regular basis to discuss and review the security situation.

34. HRFOR continues its regular security meetings with staff. An HRFOR staff member has been appointed to act as a focal point on security matters in each field team. The recruitment of four or more persons specially qualified in security matters has been initiated in order to increase the security-related capacity of HRFOR.

35. The High Commissioner is hopeful that the current security situation represents a temporary change in circumstances. He therefore wishes to emphasize that HRFOR intends to resume its previous level of activities as soon as possible, taking all necessary security measures.

C. Visit of the High Commissioner to Rwanda

36. The High Commissioner visited Rwanda on 18 February 1997 in order to assess the status, activities and future strategy of HRFOR, and to decide on further measures that might be necessary to adapt the Operation to the deterioration in security conditions. During his visit to Kigali, the High Commissioner met with the Minister for Foreign Affairs, the Minister of Justice and the Minister of the Interior; the latter was accompanied by the Chief of Cabinet of the President. The High Commissioner also met with representatives of the diplomatic corps and other United Nations agencies, in addition to meeting with HRFOR staff.

37. The Government of Rwanda expressed deep regret at the tragic loss of life of the five members of HRFOR, and reaffirmed its strong interest in having HRFOR continue its work in all aspects of its mandate and in all parts of the country. The Government explained the acts of violence perpetrated against HRFOR staff and other expatriates working in Rwanda by the fact that, two months after the peaceful and orderly mass return of refugees from Zaire and Tanzania, elements of the ex-FAR and Interahamwe militia among the returning refugee population had established sufficient roots to carry out targeted terrorist activities. Genocide survivors and persons associated with them, but also expatriates, were the main victims of these attacks. Noting that United Nations security directives had resulted in a temporary evacuation of HRFOR field teams to Kigali, the Government of Rwanda expressed its view that the current security situation in Rwanda did not warrant such measures, and reaffirmed its interest in the Operation and its commitment to cooperating fully with HRFOR in all aspects of its work, including security. The Government also expressed its willingness to cooperate further in the investigation of the killing of the five HRFOR personnel.

D. Restructuring and adaptation of HRFOR

38. The High Commissioner remains convinced that the continuation of HRFOR is crucial to assist the people and the Government of Rwanda to achieve the goals of full respect for human rights and the rule of law. Numerous Governments, including the Government of Rwanda, have encouraged the High Commissioner to ensure that HRFOR resumes its full activities as soon as the security situation permits, as a fundamental contribution to Rwanda's rehabilitation and stability in the longer term. The High Commissioner considers that the HRFOR mandate remains valid, namely, to carry out investigations into violations of human rights and humanitarian law, including possible acts of genocide; to monitor the ongoing human rights situation, and through its presence help redress existing problems and prevent possible human rights violations from occurring; to cooperate with other international agencies to re-establish confidence and thus facilitate the rebuilding of civil society; and to implement programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice.

39. HRFOR, however, has had to adapt temporarily to the new circumstances described above. To this end, the Operation was restructured at the end of February 1997. In the current situation, the HRFOR field presence comprises four sub-offices, from which all field activities will be coordinated and

supported, and visits made to prefectural capitals, with the exception of Cyangugu and Gisenyi; and two satellite field offices (one each in Cyangugu and Gisenyi) in which teams of two human rights field officers will work closely with other United Nations agencies in specially secured United Nations compounds. The remaining staff will be deployed in Kigali to increase promotional activities at the national level. At the time of preparation of the present report, the plan for the immediate future included the deployment of 28 personnel to field teams, and the increase of HRFOR headquarters personnel strength to 77, bringing the total personnel strength of HRFOR to 105. At the end of February, there were 137 members of HRFOR: 40 United Nations staff with fixed-term contracts, 64 United Nations volunteers, 21 human rights field officers contributed by the European Union, 4 persons contributed by the Government of Norway, 4 contributed by the Government of Denmark and 4 additional staff on special service agreements. Some 20 HRFOR personnel had indicated their desire to leave the mission. The High Commissioner has authorized HRFOR personnel strength to be reduced to the level of some 105 human rights field officers for the immediate future. This will be achieved by the departure of those who wish to leave and by the non-renewal of contracts of personnel for whom suitable positions could not be identified in the new structure.

40. Currently, HRFOR is in the process of setting up sub-offices in Kigali Ville (covering also Kigali Rural and Byumba prefectures); Gitarama (covering also Ruhengeri and Kibuye prefectures); Butare (covering also Gikongoro prefecture); and Kibungo (also covering Mutara prefecture). In principle, each of these sub-offices comprises a team of at least six human rights field officers, namely, the head of the sub-office, a security officer, a legal officer, an officer to monitor detention centres, an officer to coordinate investigations and an officer to focus on human rights promotional activities. From these sub-offices, HRFOR intends to resume gradually its comprehensive coverage of all regions of Rwanda, taking full account of developments in the security situation. In addition, there will be two field offices, one in Cyangugu, and the other in Gisenyi, with two field officers each, who will mainly collect information from, and liaise with, other agencies in the area. While at this stage it is no longer possible to maintain the same level of contact in the communes, it remains the objective of the Field Operation to resume its previously close contacts at the communal level throughout the country, when security conditions permit. In the interim, the relatively numerous headquarters personnel, located in Kigali, will concentrate on the activities described below.

41. The High Commissioner further intends to strengthen the Operation with additional security officers and further specialized staff for technical cooperation activities with regard to the justice system. An effort is being made to identify specialized personnel for tasks in connection with trial observation, the penal administration and technical cooperation. During his most recent visit to Rwanda, the High Commissioner reached agreement with the Minister of Justice on increasing the technical cooperation projects in support of the justice system. The principal projects to be undertaken by HRFOR in the coming months would be: a training programme for judges and clerks of the specialized chambers of the courts of first instance, to facilitate the genocide trial process; a mentor programme involving the attachment of experienced foreign judges and prosecutors to help guide judges

and prosecutors of the specialized chambers in the first year of genocide trials; the setting up of free legal aid services to provide counsel for the accused and to assist civil claimants in ongoing genocide trials; and to provide advice on a fund to compensate victims and survivors of the genocide, a proposal that is currently the subject of legislation being drafted by the Government of Rwanda.

42. The headquarters of HRFOR comprises the following units: the Office of the Chief of Mission, the Security and Communications Unit, the Operations and Documentation Unit, the Legal Unit, the Education and Promotion Unit, the Translation Unit and the Administrative Unit. The Chief of HRFOR is assisted in the day-to-day running of the Operation by the Deputy Chief. The Management Group assists the Chief of HRFOR in the review of policy issues that guide the implementation of the HRFOR mandate. The Management Group is coordinated by the Chief and Deputy Chief and is comprised of the heads of units, the Coordinator for the Special Rapporteur on the situation of human rights in Rwanda, and the European Union Coordinator. With the support of the Management Group and the Press and Information Officer, the Chief of Mission is increasing awareness of the role of HRFOR among the Rwandan public administration and the public at large. The Chief of Mission, together with the Deputy Chief and the Methodology and Training Officer, also develops methodologies and in-service training programmes to improve methods for investigation, reporting and analysis and to enhance the management of personnel within field teams.

43. The Operations and Documentation Unit undertakes reporting and analysis on the current human rights situation based on information and reports provided principally by the HRFOR field teams. The Operations and Documentation Unit is also in charge of the day-to-day management of field teams. The Special Investigations Sub-Unit supports field teams in their investigation of particularly grave incidents and provides training on investigative techniques for human rights field officers.

44. The strengthening of the Operations and Documentation Unit underlines the continued importance of the role of HRFOR in monitoring the human rights situation in Rwanda. Its assessments form the basis upon which it may recommend to the Government measures that could be adopted to improve the protection of fundamental human rights and the rule of law. Moreover, these assessments allow HRFOR to tailor its technical cooperation programme to meet requirements of the situation as it develops.

45. The Legal Unit concentrates on improvements in the administration of justice and in the status and conditions of genocide survivors, undertakes genocide trial monitoring, and promotes improvements in the penal administration. The Legal Unit seeks to enhance conformity of the Rwandan legal system with international human rights standards through the promotion of legal reform. The Legal Unit also carries out training of the gendarmerie and the communal police, works to augment and strengthen the capacity of human rights institutions through projects of technical cooperation in the field of human rights and provides support to the Prosecutor's Office to enhance the effectiveness of human rights norms in the context of the Rwandan judicial system. As regards institution-building, the Legal Unit focuses on the

setting up of a national human rights commission, a parliamentary human rights commission and human rights departments in all government ministries.

46. The Education and Promotion Unit focuses on improving the position of vulnerable groups, such as women and children, and capacity-building within human rights non-governmental organizations. One of the goals of this unit is to inculcate and foster a human rights culture in the school system and the Rwandan public administration, through the development of human rights material in Kinyarwanda, English and French. The unit also supports HRFOR educational and promotional activities, as well as other HRFOR programmes, in cooperation with the Translation Unit.

47. The Security and Communications Unit, vital to the safe and secure functioning of HRFOR, carries out the following activities: liaison with the security officers of other United Nations agencies; liaison with security officials of the Government of Rwanda; development of systems and procedures for HRFOR security; ongoing evaluation of security threats and risks to HRFOR; training of staff to increase security awareness; and ensuring the security of personnel, premises and documentation of HRFOR.

III. ACTIVITIES OF HRFOR

A. Overview

48. In accordance with its mandate, the Human Rights Field Operation in Rwanda carries out investigations into alleged violations of human rights and humanitarian law, including possible acts of genocide; monitors the ongoing human rights situation; cooperates with other international agencies to re-establish confidence and thus facilitates the rebuilding of civil society; and implements programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice. Over the past few months, HRFOR has focused its monitoring activities on the human rights situation in the context of the mass influx of returnees to Rwanda and on the commencement of genocide trials. In addition to monitoring the human rights situation in Rwanda, HRFOR has been carrying out the following activities.

B. Administration of justice and institution-building

49. Following the mass influx of returnees to Rwanda in November and December 1996, HRFOR organized conferences on human rights in the administration of justice, as well as seminars on arrest and detention procedures. The seminars on arrest and detention procedures took place throughout the country and were aimed mainly at commune-level authorities.

50. Human rights field officers participated in the training of 150 new judicial police inspectors and 750 new communal police constables. A seminar on methods of investigation, criminal law, and arrest and detention procedures was organized by HRFOR in Kigali in November 1996 for officers of the Criminal Investigations Department of the National Gendarmerie. In

collaboration with the Ministry of Defence, HRFOR organized a seminar for the RPA high command on the role of the RPA in the protection and promotion of human rights, from 3 to 7 February 1997 in Kigali. HRFOR also organized several seminars on the same theme for junior officers and soldiers in prefectural capitals.

51. Since the commencement in late December 1996, of the trials before Rwandan national courts of persons accused of genocide and crimes against humanity committed in Rwanda since 1 October 1990, HRFOR legal officers have monitored these trials throughout the country. HRFOR has also monitored the trials before Rwandan military courts. In the area of penitentiary administration, human rights field officers carry out regular visits to detention centres throughout Rwanda with a view to recommending improvements in conditions of detention, encourage the prison authorities to address the problem of overcrowding in detention centres, foster accountability in the penitentiary administration and inform and educate detainees on the new genocide prosecution law. HRFOR has completed the first phase of its detainee database project aimed at the registration of and the collection of relevant information about detainees held in communal detention centres and gendarmerie brigades throughout the country. HRFOR also monitored frequent transfers of detainees from communal detention centres to central prisons in a joint operation of the Prosecution and Prisons Departments of the Ministry of Justice, the International Organization for Migration (IOM), the International Committee of the Red Cross (ICRC), and HRFOR. In December 1996, HRFOR organized a seminar for penitentiary personnel in Ruhengeri. Topics addressed included: the mandate, ethics, and responsibilities of the new communal police; the role in matters of detention of the gendarmerie and the military; and the legal rights of detainees.

C. Genocide response and vulnerable groups

52. HRFOR continued to pay particular attention to the plight of the survivors of the 1994 genocide and of certain vulnerable groups. HRFOR concentrates its activities on three main areas: assistance to Rwandan local communities wishing to document and publish the history of the genocide in their communes; the situation of genocide survivors; and the situation of the minority Batwa community. HRFOR developed a project to collect baseline data on the situation of genocide survivors regarding their security, survivors' organizations and their activities, survivors' recourse to judicial procedures to secure their rights and obtain redress, and the housing of genocide survivors. HRFOR continued providing technical assistance to the local genocide history pilot project in a commune in Gitarama prefecture, in particular with regard to the transcription and the verification of individual testimonies collected in the commune. In January 1997, HRFOR assisted the Association for the Promotion of the Batwa (APB) with the organization of a round table to determine strategies and policies for the improvement of the situation of the Batwa.

D. Human rights education and promotion

53. HRFOR pursued its ongoing programme of human rights education and promotion through projects carried out jointly by HRFOR headquarters staff, field officers, Rwandan partners, including local and national authorities,

and human rights non-governmental organizations. The main objective of initiatives in this area was to create widespread human rights awareness among the population in general and certain target groups in particular, including civil servants, the military, women, youth representatives, teachers and students. HRFOR organized seminars, conferences and workshops, continued to sponsor two human rights theatre troupes, and produced video cassettes, playing cards, banners and radio plays.

IV. COSTS AND FINANCING OF THE OPERATION

54. The High Commissioner wishes to express his gratitude to those Governments that have contributed to the voluntary funding of the Operation, and to the European Commission, which has provided and entirely supported logistically a team of human rights field officers integrated fully into the Operation. The High Commissioner is also grateful to those Governments and organizations which have supported the Operation with qualified personnel.

55. The High Commissioner nevertheless would like to reiterate his desire to see human rights field operations, particularly those deployed on the magnitude of HRFOR, have access to regular budget funds. It remains of concern that voluntary contributions have never been sufficient to sustain the Operation, notwithstanding strict measures to contain costs, including the use of United Nations Volunteers (UNVs) as the majority of field officers. Contributions have been unforeseeable, and have therefore not provided a basis on which sound planning could take place. It has only been possible to give staff contracts of an abnormally short duration, even for a field mission; this has posed difficulties in both recruitment and retention of staff, and the very high turnover experienced has been disruptive of sustained relationships of cooperation with the authorities and other organizations, as well as of the professional standards of the Operation.

56. For the year 1997, the Trust Fund for the Human Rights Field Operation in Rwanda has received US$ 6,033,200 over and above the positive balance of US$ 2,529,300 received in 1996, which together total US$ 8,562,500. This amount would enable HRFOR to continue until the end of September 1997 at a level of 105 personnel, composed of 35 fixed-term staff and 70 UNVs.

V. CONCLUSIONS

57. The High Commissioner wishes to conclude by observing that, in the implementation of its integrated and multifaceted mandate the Operation has played a crucial role in enhancing respect for human rights and dignity and the rule of law in Rwanda with a view to restoring peace and stability and achieving reconciliation in the country.

58. With the long-awaited, but sudden, mass influx of returnees to Rwanda, a major obstacle to the goals of the Government of Rwanda and the international community has been overcome. The mass return movement has brought about a situation in which the Field Operation has a major role to play, namely, that of creating a climate of confidence within Rwanda with a view to eventual

national reconciliation and a full accounting for the genocide and associated violations of human rights and humanitarian law. HRFOR, with the substantial experience it has accumulated, has considerable potential to further these aims in the months ahead, with the cooperation and support of the Government of Rwanda and the international community.

59. The concept of a human rights field presence to implement human rights protection and promotion in situ has evolved on the basis of the practical experience gained by HRFOR, and is increasingly being applied in countries in other parts of the world where such assistance may be welcomed by the Government. Despite initial difficulties in setting up the Human Rights Field Operation in Rwanda, the High Commissioner remains deeply convinced that the Operation's role in Rwanda is evermore necessary. With the continuing cooperation of the Government of Rwanda, which was clearly communicated to the High Commissioner during his last visit to Rwanda, and the steady support of the international community, the High Commissioner hopes that the Field Operation will be able to re-establish its contacts in all communes. The High Commissioner is convinced that the mandate of HRFOR remains vital to the future and people of Rwanda and remains confident that HRFOR, working in close cooperation with the Government of Rwanda and with the support of the international community, will continue to contribute to peace and stability in the Great Lakes region.